

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**YA TAO WANG, and
WEITIAN ZHANG,
on their own behalf and on behalf of
others similarly
situated,**

Plaintiffs,

v.

**AN DA NJ CONSTRUCTION LLC;
AN DA EMPIRE LLC; AN DA
EASTERN LLC; AN DA GREEN
ENERGY LLC; BO LING WU A/K/A
BOLING WU, DAI BAO WU, RUOBO
CHEN, CHIAN WEI WU, AND SHING
WOAN WU A/K/A JIMMY WU,**

Defendants.

Civ. No. 18-11347-KM-SCM

OPINION and ORDER

WHEREAS, Plaintiffs and the putative class of individuals having made an application (DE 25) for conditional certification and to implement a court-supervised notification to the putative class members under 29 U.S.C. § 216(b); and

WHEREAS the Court having read and considered the proposed Notice of Pendency and Consent to Joinder form; and

WHEREAS, despite the court's grant (DE 30) of the defendant's request for an extension of time to respond to the motion until May 10, 2019, no response has been received; and

WHEREAS the Court finds that there exist substantial and sufficient grounds for entering this Order;

IT IS this 25th day of June, 2019,

ORDERED that:

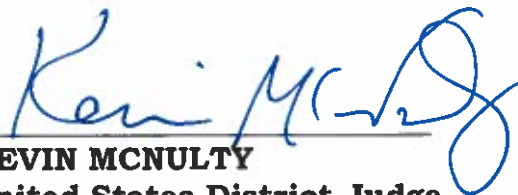
1. Plaintiffs' unopposed motion for conditional certification is GRANTED (DE 25) and the instant matter is conditionally certified as a collective

action pursuant to the Fair Labor Standards Act on behalf of all current and former non-exempt and non-managerial employees employed by defendants AN DA NJ CONSTRUCTION LLC, located at 111 US Highway 46, Fairfield NJ 07004; AN DA EMPIRE LLC, located at 309 Aycrigg Avenue, Passaic, NJ 07055; AN DA EASTERN LLC, located at 7 Peace Valley Road, Towaco, NJ 07082; and AN DA GREEN ENERGY LLC, located at 7 Peace Valley Road, Towaco, NJ 07082 from July 3, 2015 through entry of Judgement.

2. Within fifteen (15) days after entry of this Order, defendants shall furnish to plaintiffs' counsel a list of the following information as it pertains to the individuals who are within the certified class identified in paragraph (1) of this Order: first and last name, last known address with apartment number (if applicable), last known e-mail addresses, work location, dates of employment, and position titles.
3. This mailing list shall be in a readable and accessible format, in Microsoft Excel if possible, and shall be accompanied by an Affidavit from defendants certifying that the name list is complete from employment records.
4. Plaintiffs' counsel shall keep this list confidential and use this list only for the purpose of identifying and mailing notice to prospective plaintiffs.
5. Any disputes as to the inclusion or exclusion of employees from the mailing list shall be submitted to the Magistrate Judge.
6. The Court approves the form of Notice of Pendency and Consent to Join and finds that the mailing or emailing of such Notice will constitute the best notice practicable under the circumstances to members of the Class.
7. The Notice of Pendency and Consent to Joinder shall be published in English and Chinese. Plaintiffs' counsel shall file with this Court a certification from a Chinese translator retained to translate the Notice of Pendency and Consent to Join.

8. Within fifteen (15) days after receipt of defendants' list, the plaintiffs or their designated representatives shall cause a copy of the Notice of Pendency and Consent to Joinder Form to be mailed by first class or emailed.
9. At the same time that the notice is disseminated by plaintiffs' counsel, defendants shall post a copy of the notice, in English and Chinese, in conspicuous and unobstructed locations for its employees to view, and the notice shall remain posted throughout the opt-in period, specifically at:
 - a. AN DA NJ CONSTRUCTION LLC, located at 111 US Highway 46, Fairfield NJ 07004;
 - b. AN DA EMPIRE LLC, located at 309 Aycrigg Avenue, Passaic, NJ 07055;
 - c. AN DA EASTERN LLC, located at 7 Peace Valley Road, Towaco, NJ 07082; and
 - d. AN DA GREEN ENERGY LLC, located at 7 Peace Valley Road, Towaco, NJ 07082.
10. Defendants shall further produce to plaintiffs' counsel within ten (10) days of any request by plaintiffs' counsel, all telephone numbers defendants might have (if any) for any person described in Paragraph 1 of this Order whose FLSA Notice is returned by the Post Office as undeliverable and email is rejected.
11. The Notice of Pendency and Consent to Joinder shall indicate that opt-in plaintiffs must consent to join the action within ninety (90) days from the date that the notice is mailed or emailed by filling the approved Consent to Joinder.

12. The equitable tolling of the statute of limitations on this suit is tolled for 90 days until the expiration of the Opt-in Period.


KEVIN MCNULTY
United States District Judge